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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,577	06/20/2001	Alexander C. Loui	82359SLP	3972
7590 10/06/2005			EXAMINER	
Thomas H. Close Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 10/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,577

Applicant(s)

LOUI ET AL.

Examiner

SHIBRU HELEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/8/2003, 8/8/01</u> . | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. Figure 2 is objected to under 37 CFR 1.83(a) because in this figure unit 12, 11, 16, and 14 fail to show the proper labels or legend corresponding to all blocks as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 12 and 20 are objected to because of the following informalities: the phrase “a selecting” is repeated. Appropriate correction is required.

Claims 3, 25 and 32 are objected to because of the following informalities: the verb ‘is’ should be replaced with ‘are’. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 36 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims recite a software application and a computer file structure which failed to conjoin with the remaining claim elements.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 4-5, 7, 9-10, 12-14, 23-24, 26-27, 30-31, 33-34, 36-37, and 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al (US Pat. No. 6,856,760).

Regarding claim 1, Takahashi discloses a method of recording information on a recordable optical disc, comprising:

selecting a plurality of digital still images (see col. 5 lines 57-62, plural pictures are taken, see col. 6 lines 1-9 and still picture memory (108) in fig. 1 stores still picture temporarily when fine still picture compressing unit (106) performs a compressing process, i.e. still pictures are selected from 108 and compressed in 106);

selecting an audio clip (see col. 6 lines 12-16; predetermined digital audios are selected from the collected audios)

encoding (see moving picture compressing unit (105) and multiplexing unit (112) in fig. 1) the plurality of digital still images and the audio clip as a single MPEG bitstream (see col. 5 line 65-col. 6 line 1, col. 6 lines 16-19);

encoding (see fig. 1 fine still picture compressing unit (106)) each of the plurality of digital still images as a digital image file (see col. 6 lines 1-3, col. 6 line 64-col. 7 line 2); and

recording the single MPEG bitstream and the plurality of digital image files on the recordable optical disc (see col. 6 lines 19-24).

Regarding claim 2, Takahashi discloses each of the plurality of digital images files is a JPEG file (see col. 6 lines 1-4 and col. 8 lines 21-29 fine still pictures).

Regarding claim 4, Takahashi discloses the step of selecting the audio clip comprises the step of selecting at least one audio clip from an audio database comprising a plurality of audio clips (see col. 6 lines 12-16; predetermined digital audios are selected from the collected audios).

Regarding claim 5, Takahashi discloses the step of selecting a plurality of digital still images comprises the step of selecting at least one digital still image from an image database

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comprising a plurality of digital still images (see rejections of claim 1 above, see col.5 lines 57-62, plural pictures are taken, see col. 6 lines 1-9 and still picture memory (108) in fig. 1 stores still picture temporarily when fine still picture compressing unit (106) performs a compressing process, i.e. still pictures are selected from 108 and compressed in 106).

Regarding claim 7, Takahashi discloses the steps of selecting a video clip from a video database (see col. 6 lines 4-7, moving picture memory (107) in fig. 1 stores moving picture temporarily when moving picture compressing unit (105) performs a compressing process, i.e. video clips are selected from 107 and compressed in 105); and including the video clip as part of the MPEG bitstream (see col. 5 line 65-col. 6 line 1).

Regarding claim 9, Takahashi discloses the recordable optical disc is a VCD compatible optical disc (see col. 7 lines 54-56, VCD contains MPEG I and sound).

Regarding claim 10, Takahashi discloses the recordable optical disc is a DVD compatible optical disc (see col. 7 lines 50-52).

Regarding claim 12, Takahashi discloses selecting a software application (see col. 8 lines 63-67 and fig. 1 recording control unit (113)); and recording the software application on the recordable optical disc (see col. 7 lines 1-2).

Regarding claim 13, Takahashi discloses selecting a computer file structure (see col. 7 lines 47-50, root directory); and recording the computer file structure on the recordable optical disc (see col. 7 lines 50-57).

Regarding claim 14, Takahashi discloses the audio clip is a user annotated audio clip (see microphone (110) in fig. 1 and col. 6 lines 12-13 and 44-46).

Claims 23, 30, 38 and 39 are rejected for the same reason as discussed in method claim 1 above.

Claims 24 and 31 are rejected for the same reason as discussed in claim 2 above.

Claims 26-27 and 33-34 are rejected for the same reasons as discussed in claims 9-10 above.

Claims 36-37 are rejected for the same reasons as discussed in claims 12-13 above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Ngai (US Pat. No. 6,188,730).

Claim 3 differs from Takahashi by requiring the plurality of digital still images to be downsampled prior to being encoded being as an MPEG bitstream. Takahashi does not specifically teach the still images downsampled prior to being encoded being as an MPEG bitstream, however Takahashi does teach that the size of the compressed screen is a thumbnail size (see col. 9 lines 13-26).

In the same field of endeavor, Ngai discloses the process of downsampling prior to encoding (see fig. 2 downsampling processor (220) and video compression encoder (224)). Ngai further discloses the compression method can be MPEG 2 (see col. 4 lines 48-55). Therefore, in

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light of the teaching in Ngai it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takahashi downsampling the still images prior to encoding in order to reduce the amount of data which must be recorded by removing redundancy in the picture sequence.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi

Regarding claim 6, although Takahashi does not specifically disclose the step of selecting a digital still image as a background image, Takahashi discloses the fine still pictures can be recorded in different file format (see col. 11 lines 12-15). Official Notice is given that it is well known in the art to select digital still images as a background image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takahashi by selecting a background image from the digital still image in order to represent the subject.

11. Claims 11, 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi.

Regarding claim 11, Takahashi does not specifically disclose the recordable optical disc is a SVCD compatible optical disc, Takahashi discloses the recording medium is an optical disc (see col. 6 lines 19-24) that includes DVD, CD or VCD (see claim rejections 9 and 10, and col. 7 lines 56-57). Official Notice is taken that it is well known in the art to record images compatible for SVCD using DVD drive. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to create an album using SVCD in Takahashi DVD drive in order to provide user with a higher video bit rate than video CDs.

Claims 28 and 35 are rejected for the same reasons as discussed in claim 11 above.

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12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Brewer (US Pat. No. 6,400,886).

Regarding claim 8, claim 8 differs from Takahashi in that the claim further requires the step of transcoding the video clip prior to including the video clip as part of the MPEG bitstream. Takahashi does not specifically teach the step of transcoding the video clip prior to including the video clip as part of the MPEG bitstream, however Takahashi does teach that the signal processing unit converts the electric signals to digital signals (see col. 6 lines 34-46).

In the same field of endeavor Brewer discloses selected clips are decoded and re-encoded prior to creating a new MPEG bit stream (see col. 6 lines 41-50). Brewer further discloses if there are more frames to be transcoded, selecting the clips and decoding then re-encoding continues (see col. 16 lines 23-30 and fig. 7 step 462 and step 464). Therefore in light of the teaching in Brewer it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takahashi by providing a decoded and re-encoded process in order to generate an appropriate out-glue segment.

13. Claims 15, 17-22, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Ngai.

Regarding claim 15, limitations in claim 15 can be found in claims 1, 3, 4, 9-11 and 14. Therefore claim 15 is analyzed and rejected as previously discussed in claims 1, 3, 4, 9-11 and 14. It is noted that Takahashi does teach a method of generating a multimedia enabled disc (see rejections of claims 9-11), comprising the steps of:

(a) selecting multimedia material, the multimedia material comprised of at least one audio clip from an audio database (see rejections of claim 4), at least one digital still image from an image database, and at least one video clip from a video database (see rejection of claim 5);

(b) downloading the multimedia material (see col. 6 lines 19-24 and col. 7 lines 45-60);

(c) downsampling the multimedia material (see claim rejection 3);

(d) providing user annotated material (see claim 14 rejection);

(e) generating a composite image of the multimedia material and user annotated material (see fig. 1 multiplexing unit (112) and col. 8 lines 60-63 and see microphone (110) in fig. 1 and col. 6 lines 12-13 and 44-46),

(f) encoding the composite image to provide an MPEG file (see claim rejection 1);

(g) encoding the digital still image to provide a digital image file (see claim rejection 1);

(h) creating a disc image comprising the MPEG file and the digital image file (see claim rejections 1 and 9-11); and

(i) creating the multimedia enabled disc comprised of the disc image (see claim rejection 1 and 9-11).

Claims 17-21 are rejected for the same reasons as discussed in claims 9-13 respectively above.

Claims 22 and 29 are rejected for the same reason as discussed in claim 15 above.

Claim 32 is rejected for the same reason as discussed in claim 2 above.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Ngai and further in view of Brewer.

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Regarding claim 16, the limitations in claim 16 can be found in claim 8 above. Therefore claim 16 is analyzed and rejected for the same reason as discussed in claim 8 above.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eyuboglu (US Pat No. 5,537,440) discloses the performance of transcoder.

Maeda (US Pat. No. 6,798,977) discloses creating background from a plurality of still images.

Schnorf (US Pat. No. 5,367,341) discloses recording files in SVCD.

Belknap (US Pat. No. 6,804,295) discloses a technique for converting a video and audio to a slide show.

Linker (US Pat. No. 6,901,378) discloses selecting a database.

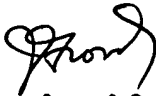
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES GROODY can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru
September 23, 2005


James J. Groody
Supervisory Patent Examiner
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